-- REMARKS --

The present amendment replies to an Office Action dated November 27, 2007. Claims 1-10 are pending in the present application. Claim 1 has been amended, claim 8 cancelled, and claims 11-21 added herein. In the Office Action, the Examiner rejected claims 1-10 on various grounds. The Applicants respond to each ground of rejection as subsequently recited herein and requests reconsideration of the present application.

35 U.S.C. §102 Rejections

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Thus, to warrant the §102 rejection, the references cited by the Examiner must show each and every limitation of the claims in complete detail. The Applicants respectfully assert that the cited references fail to do so.

A. Claims 1, 3-5, 7, and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,194,821 to Nakamura (the *Nakamura* patent).

The Applicants respectfully assert that the *Nakamura* patent fails to disclose, teach, or suggest an apparatus for reducing contaminants in a fluid stream whereby the light source is a dielectric barrier excimer discharge lamp driven with a pulse having an excitation pulse duration between 1,000 and 0.100 microseconds alternating with an idle period between 10,000 and 1 microseconds, as recited in amended independent claim 1. As noted by the Examiner on page 4 of the present Office Action mailed November 27, 2007, the excimer lamp of Nakamura is not pulse operated. Thus, the *Nakamura* patent fails to disclose a dielectric barrier excimer discharge lamp driven with a pulse, as recited in amended independent claim 1.

Claims 3-5, 7, and 10 depend directly from independent claim 1 and so include all the elements and limitations of independent claim 1. The Applicants therefore respectfully submit that the dependent claims are allowable over the *Nakamura* patent for at least the same reasons as set forth above for independent claim 1.

Withdrawal of the rejection of claims 1, 3-5, 7, and 10 under 35 U.S.C. §102(b) as being anticipated by the *Nakamura* patent is respectfully requested.

35 U.S.C. §103 Rejections

Obviousness is a question of law, based on the factual inquiries of 1) determining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and 3) resolving the level of ordinary skill in the pertinent art. *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). *See* MPEP 2143.03. The Applicants respectfully assert that the cited references fail to teach or suggest all the claim limitations.

B. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over the *Nakamura* patent in view of U.S. Patent No. 6,063,343 to Say, *et al.* (the *Say* patent).

The Applicants respectfully assert that the *Nakamura* patent and the *Say* patent, alone or in combination, fail to disclose, teach or suggest each and every element of the Applicants' invention as claimed, as required to maintain a rejection under 35 U.S.C. §103(a). As discussed in Section A above, the Applicants assert that the *Nakamura* patent fails to disclose, teach, or suggest an apparatus for reducing contaminants in a fluid stream whereby the light source is a dielectric barrier excimer discharge lamp driven with a pulse having an excitation pulse duration between 1,000 and 0.100 microseconds alternating with an idle period between 10,000 and 1 microseconds, as recited in amended independent claim 1. The *Say* patent also fails to suggest these elements.

Claim 2 depends directly from independent claim 1 and so includes all the elements and limitations of independent claim 1. The Applicants therefore respectfully submit that dependent claim 2 is allowable over the *Nakamura* patent and the *Say* patent for at least the same reasons as set forth above for independent claim 1.

Withdrawal of the rejection of claim 2 under 35 U.S.C. §103(a) as being unpatentable over the *Nakamura* patent in view of the *Say* patent is respectfully requested.

C. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over the *Nakamura* patent in view of U.S. Patent No. 6,398,970 to Justel, *et al.* (the *Justel* patent).

The Applicants respectfully assert that the *Nakamura* patent and the *Justel* patent, alone or in combination, fail to disclose, teach or suggest each and every element of the Applicants' invention as claimed, as required to maintain a rejection under 35 U.S.C. §103(a). As discussed in Section A above, the Applicants assert that the *Nakamura* patent fails to disclose, teach, or suggest an apparatus for reducing contaminants in a fluid stream whereby the light source is a dielectric barrier excimer discharge lamp driven with a pulse having an excitation pulse duration between 1,000 and 0.100 microseconds alternating with an idle period between 10,000 and 1 microseconds, as recited in amended independent claim 1. The *Justel* patent also fails to suggest these elements.

Claim 6 depends directly from independent claim 1 and so includes all the elements and limitations of independent claim 1. The Applicants therefore respectfully submit that dependent claim 6 is allowable over the *Nakamura* patent and the *Justel* patent for at least the same reasons as set forth above for independent claim 1.

Withdrawal of the rejection of claim 6 under 35 U.S.C. §103(a) as being unpatentable over the *Nakamura* patent in view of the *Justel* patent is respectfully requested.

D. Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over the *Nakamura* patent in view of U.S. Patent No. 5,144,146 to Wekhof (the *Wekhof* patent).

Claim 8 has been cancelled herein and its limitations incorporated in independent claim 1. Withdrawal of the rejection of claim 8 under 35 U.S.C. §103(a) as being unpatentable over the *Nakamura* patent in view of the *Wekhof* patent is respectfully requested.

E. Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over the *Nakamura* patent in view of Japan Patent No. JP 1-182527 to Akagi, *et al.* (the *Akagi* patent).

The Applicants respectfully assert that the *Nakamura* patent and the *Akagi* patent, alone or in combination, fail to disclose, teach or suggest each and every element of the Applicants' invention as claimed, as required to maintain a rejection under 35 U.S.C. §103(a). As discussed in Section A above, the Applicants assert that the *Nakamura* patent fails to disclose, teach, or suggest an apparatus for reducing contaminants in a fluid stream whereby the light source is a dielectric barrier excimer discharge lamp driven with a pulse having an excitation pulse duration between 1,000 and 0.100 microseconds alternating with an idle period between 10,000 and 1 microseconds, as recited in amended independent claim 1. The *Akagi* patent also fails to suggest these elements.

Claim 9 depends directly from independent claim 1 and so includes all the elements and limitations of independent claim 1. The Applicants therefore respectfully submit that dependent claim 9 is allowable over the *Nakamura* patent and the *Akagi* patent for at least the same reasons as set forth above for independent claim 1.

Withdrawal of the rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over the *Nakamura* patent in view of the *Akagi* patent is respectfully requested.

New Claims

Claims 11-21 have been added to more particularly point out and distinctly claim the Applicants' invention. Claim 11 depends directly on independent claim 1 and so is allowable for at least the reasons as independent claim 1. No new matter has been added with the inclusion of claims 11-21, which are supported in the specification at least on pages 2-9.

Allowance of claims 11-21 is respectfully requested.

SUMMARY

Reconsideration of the rejection of claims 1-7 and 8-10 and consideration of claims 11-21 is requested. The Applicants respectfully submit that claims 1-7 and 11-21 fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

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Respectfully submitted,
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